

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

|                               |   |                     |
|-------------------------------|---|---------------------|
| SIRAJ IBRIHIM,                | ) |                     |
| also known as ROBERT CRAIN,   | ) |                     |
|                               | ) |                     |
| Plaintiff,                    | ) |                     |
|                               | ) |                     |
| vs.                           | ) | No. 22-2221-SHM-tmp |
|                               | ) |                     |
| DIRECTOR/WARDEN SHELBY COUNTY | ) |                     |
| CORRECTIONS, ET AL.,          | ) |                     |
|                               | ) |                     |
| Defendants.                   | ) |                     |
|                               | ) |                     |

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**ORDER GRANTING MOTION TO EXTEND TIME (ECF NO. 39) AND MOTION TO  
AMEND (ECF NO. 41);  
GRANTING EXTENSION OF TIME TO AMEND THE COMPLAINT;  
DENYING ALL OTHER PENDING MOTIONS (ECF NOS. 31, 34, 35, 37, 38, 40 & 42);  
AND DIRECTING THE CLERK TO MAIL THE COURT'S OCTOBER 27, 2022 ORDER  
(ECF NO. 27) TO IBRIHIM AT THE TALLAHATCHIE COUNTY CORRECTIONAL  
FACILITY**

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Before the Court are Plaintiff Siraj Ibrihim's: (1) Second Motion For Case Status Update And For Service Of Documents (ECF No. 31); (2) Emergency Motion For Copy Of 4241 Exam Report (ECF No. 34); (3) Motion For Appointment Of Counsel And For Reconsideration (ECF No. 35); (4) Motion For Leave To Proceed *In Forma Pauperis* (ECF No. 37); (5) Motion To Hold Case In Abeyance (ECF No. 38); (6) Motion For Leave To Extend Time (ECF No. 39); (7) Motion To Hold Case In Abeyance (ECF No. 40); (8) Motion To Amend *Pro Se* Complaint (ECF No. 41); and (9) Motion To Include Indigency Affidavit (ECF No. 42).

For the reasons explained below:

(1) Ibrihim's Motion For Leave To Extend Time (ECF No. 39) and Motion To Amend *Pro Se* Complaint (ECF No. 41) are GRANTED;

(2) Ibrihim's (a) Second Motion For Case Status Update And For Service Of Documents (ECF No. 31), (b) Emergency Motion For Copy Of 4241 Exam Report (ECF No. 34), (c) Motion For Appointment Of Counsel And For Reconsideration (ECF No. 35), (d) Motion To Hold Case In Abeyance (ECF No. 38), (e) Motion To Hold Case In Abeyance (ECF No. 40), and (f) Motion To Include Indigency Affidavit (ECF No. 42) are DENIED; and

(3) Ibrihim's Motion For Leave To Proceed *In Forma Pauperis* (ECF No. 37) is DENIED as moot.

## **I. PROCEDURAL BACKGROUND**

On April 7, 2022, Ibrihim filed a *pro se* complaint pursuant to § 1983. (ECF No. 1.) On May 4, 2022, the Court granted leave to proceed *in forma pauperis*. (ECF No. 8.) On October 27, 2022, the Court: (1) partially dismissed the consolidated complaint (ECF Nos. 1 & 13-16 (the "Consolidated Complaint")) with prejudice; (2) partially dismissed the Consolidated Complaint without prejudice; (3) granted leave to amend the claims dismissed without prejudice within twenty-one (21) days of the date of entry of the October 27, 2022 Order; and (4) denied all pending motions. (See ECF No. 27 (the "Screening Order").) Ibrihim's deadline to amend expired on Thursday, November 17, 2022. (See *id.* at PageID 152.) Ibrihim did not file an amended complaint in a timely manner, and he did not seek an extension of time to do so.

On October 28, 2022, the Clerk of Court mailed the Screening Order to Ibrihim at the FMC Fort Worth. (See ECF No. 32-1 at PageID 197.)

Because the record as of December 6, 2022 suggested that Ibrihim might not have received a copy of the Screening Order, the Court entered an Order granting an extension of time to amend the complaint. (ECF No. 30.) Pursuant to the Court's December 6, 2022 Order, Ibrihim's deadline to amend was Tuesday, December 20, 2022. (See *id.* at PageID 161-62.)

## **II. ANALYSIS**

Ibrihim says that he received a copy of the Court's December 6, 2022 Order granting an extension of time to amend. (ECF No. 40 at PageID 214.) Ibrihim represents that he did not receive a copy of the Screening Order. (*See* ECF No. 38 at PageID 210; ECF No. 39 at PageID 212; ECF No. 40 at PageID 214; ECF No. 41 at PageID 218.)

Ibrihim's Motion To Extend Time (ECF No. 39) and Motion To Amend (ECF No. 41) are GRANTED to the extent he seeks an extension of time to amend the complaint. The Court GRANTS leave to amend the complaint ON OR BEFORE FRIDAY, JUNE 30, 2023.

Because the Court is granting an extension of time to amend the complaint, Ibrihim's Second Motion For Case Status Update And For Service Of Documents (ECF No. 31) and his Motions To Hold Case In Abeyance (ECF Nos. 38 & 40) are DENIED WITHOUT PREJUDICE, subject to Ibrihim's right to re-file those motions if the case proceeds.

Ibrihim's Motion For Leave To Proceed *In Forma Pauperis* (ECF No. 37) is DENIED as moot. On May 4, 2022, the Court granted leave to proceed *in forma pauperis*. (ECF No. 8.)

Ibrihim's Emergency Motion For A Copy Of 4241 Exam Report (ECF No. 34) is DENIED for the reasons explained in the Court's Order entered on December 6, 2022. (*See* ECF No. 30 at PageID 162-63.)

Ibrihim's Motion For Appointment Of Counsel And For Reconsideration (ECF No. 35) is DENIED for the reasons explained in the Court's Order entered on December 6, 2022. (*See* ECF No. 30 at PageID 163-64.) Ibrihim's request to update his place of confinement (*see* ECF No. 35 at PageID 202) is DENIED as moot. The docket in this case shows Ibrihim's confinement at the Tallahatchie County Correctional Center (the "TCCC") in Tutwiler, Mississippi. (*See also* ECF No. 28-1 at PageID 155; ECF No. 29-1 at PageID 159.)

Ibrihim's requests for "reconsideration ... if [this] case has been dismissed" (*see* ECF No. 31 at PageID 166 and ECF No. 35 at PageID 202) are DENIED as moot. As of the date of this Order, the case has not been dismissed.

Ibrihim's Motion To Include Indigency Affidavit (ECF No. 42) asks the Court to "file ... the enclosed Affidavit [the "Indigency Affidavit"] in all his pending cases." (ECF No. 42 at PageID 221.) District Courts "have no obligation to act as counsel or paralegal" to *pro se* litigants. *Pliler v. Ford*, 542 U.S. 225, 231 (2004). Ibrihim's request effectively asks the Court to file the Indigency Affidavit in all of Ibrihim's cases pending before the Court. Ibrihim's request would transform the Court from a neutral tribunal into an advocate. It is Ibrihim's responsibility to file documents in his cases. The Motion To Include Indigency Affidavit (ECF No. 42) is DENIED.

The Clerk is DIRECTED to mail a copy of this Order to Ibrihim at the Tallahatchie County Correctional Center, 19351 US Highway 49 North, Tutwiler, Mississippi 38963-5248. (*See* ECF No. 36 at PageID 205; ECF No. 42-1 at PageID 223.)

IT IS SO ORDERED, this 9th day of June, 2023.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE